

1 012 KOKOSK. #1185282  
Name and Inmate Booking Number

Ely State Prison  
Place of Confinement

P.O. Box 1789  
Mailing Address

Ely, NV 89301  
City, State, Zip Code

Original Complaint

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

1 012 KOKOSK.,  
Plaintiff

vs.

(1) Dr. Bernaldez and ESPS medical,  
Dept. of Pr.  
(2) \_\_\_\_\_,  
(3) Jane Doe,  
(4) \_\_\_\_\_,  
(5) \_\_\_\_\_,  
Defendant(s).

Case No. \_\_\_\_\_  
(To be supplied by Clerk of Court)

CIVIL RIGHTS COMPLAINT  
BY AN INMATE

☒ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

☒ Jury Trial Demanded

'Flagrant threats of imminent  
Harm to Plaintiff's Health'

A. JURISDICTION

- 1) This Court has jurisdiction over this action pursuant to:  
☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983  
☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)  
☐ Other: N/A
- 2) Institution/city where Plaintiff currently resides: Ely State Prison
- 3) Institution/city where violation(s) occurred: Ely State Prison / Ely Nevada

### B. DEFENDANTS

1. Name of first Defendant: DR. Bernais. The first Defendant is employed as:  
Doctor at ESP.  
(Position of Title) (Institution)
2. Name of second Defendant: Jane Doe. The second Defendant is employed as:  
Nurse at ESP.  
(Position of Title) (Institution)
3. Name of third Defendant: Jane Doe. The third Defendant is employed as:  
Nurse at ESP.  
(Position of Title) (Institution)
4. Name of fourth Defendant: \_\_\_\_\_. The fourth Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_.  
(Position of Title) (Institution)
5. Name of fifth Defendant: \_\_\_\_\_. The fifth Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_.  
(Position of Title) (Institution)

If you name more than five Defendants, answer the questions listed above for each additional Defendant on a separate page.

### C. NATURE OF THE CASE

Briefly state the background of your case.

The instant case involves a Doctor and Medical Department, who are  
aware of the Pain that an inmate in the state's only 24 Hour lock-down  
facility endures daily, due to nerve damage, as they fail to mitigate  
the 'wanton infliction of pain'

## D. CAUSE(S) OF ACTION

## CLAIM 1

1. State the constitutional or other federal civil right that was violated: The 8<sup>th</sup> Amendment's Prohibition Against Cruel and unusual Punishment; 'Deliberate indifference'
2. **Claim 1.** Identify the issue involved. Check **only one**. State additional issues in separate claims.
 

<input type="checkbox"/> Basic necessities	<input checked="" type="checkbox"/> Medical care	<input type="checkbox"/> Mail
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Property
<input type="checkbox"/> Access to the court	<input type="checkbox"/> Excessive force by officer	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____	
3. **Date(s) or date range** of when the violation occurred: Series of Events
4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 1. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

During the course of about two years, Plaintiff Dale Kokoski ~~has~~ Has needlessly endured the excruciating pain of having pressure placed on a nerve somewhere between his spine, neck, shoulder, and right hand. The injury is so severe that on two separate occasions he has awoken paralyzed, on one of the occasions he was paralyzed for almost two months. He received a prescription of an Anti-inflammatory medication called Prednisone, which immediately helped with the paralysis and pain. To the present date it is the only medication that has worked.

Plaintiff has expressed to Dr. Bernales and Dr. Benson that the Prednisone is the only thing that has worked, but because of the different opinions from Bernales, Benson, and ESP's medical staff Plaintiff has not received adequate medical treatment in accordance with the 8<sup>th</sup> Amendment. He is always in pain and barely mobile, and Defendant(s) Bernales and ESP's medical staff are aware of this yet do nothing that mollify or mitigate the circumstances. The aforementioned Defendants are also aware that due to the Plaintiff's condition he is at risk for permanent paralysis and have done anything but given him I.B.U.'s which he could buy on commissary. The Defendants are aware that he needs to see a specialist as Dr. Benson has instructed but have failed to schedule him to see

The Specialist. Dr. Benson Diagnosis the Plaintiff with "Severe and Permanent Nerve Damage" and Has said that this was the cause of His Pain and temporary Bouts of Paralyzation. But the Defendants Dr. Bernales and ESP's medical Dept. Knowing this still fail to act and transport Him to see someone with the expertise of Dealing With Nerve Damage.

The first-mentioned Defendant(s) are aware that He is constantly in pain and that their course of treatment is doing nothing to take away Plaintiff's Daily Pain and still fail to give him Adequate medical treatment.

**E. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while incarcerated? ☐ Yes ☒ No
2. Has this Court or any other court designated you as subject to "three strikes" under 28 U.S.C. § 1915(g)? ☐ Yes ☒ No
3. If you have "three strikes" under 28 U.S.C. § 1915(g), does this complaint demonstrate that you are "under imminent danger of serious physical injury?" ☒ Yes ☐ No

**F. REQUEST FOR RELIEF**

I believe I am entitled to the following relief: Injunctive Relief of Seeing a Nerve Specialist  
Immediately and given Adequate Medical treatment.  
Compensatory Relief of: \$100,000 for everyday Plaintiff endured Pain and the damage the delay caused  
And Punitive Relief of: \$50,000 for the delay in treatment. Total \$150,000  
And anything else this Court Deems equitable

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Marcell Williams #1120655  
 (name of person who prepared or helped  
 prepare this complaint if not the plaintiff)

Val B. Cook  
 (signature of plaintiff)

1-3-23  
 (date)

**ADDITIONAL PAGES**

You must answer all questions concisely in the proper space on the form. Your complaint may not be more than 30 pages long. It is not necessary to attach exhibits or affidavits to the complaint or any amended complaint. Rather, the complaint or any amended complaint must sufficiently state the facts and claims without reference to exhibits or affidavits. If you need to file a complaint that is more than 30 pages long, you must file a motion seeking permission to exceed the page limit and explain the reasons that support the need to exceed 30 pages in length.